

The Planning Act 2008
Section 55 Acceptance of Applications*

(Appendix 3 of [advice note six: Preparation and submission of application documents](#))

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.

- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.

- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) [deleted]
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) [deleted]
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.

- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
 - (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.

- (5) In subsection (4) -

"local authority consultee" means -

- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
- (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.

- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –
 - a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
 - b) any applicable guidance given under section 37(4) has been followed in relation to the application.
- (6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.
- (7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must –
 - (a) notify that view to the applicant, and
 - (b) notify the applicant of the Secretary of State’s reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

* Section 55 of the Planning Act 2008 (as amended)

DISCLAIMER - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (Major Applications and Plans Directorate) to complete. Completion or self-assessment by the applicant does not hold weight at the acceptance stage.

NB: See [DCLG Application Form Guidance](#) for guidance on how the application form should be completed and what should be included with it.

Section 55 Acceptance of Applications

Silvertown Tunnel Section 55 Application Checklist¹

Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
	03 May 2016	31 May 2016	31 May 2016
1. s55(3)(a) and s55(3)(c) It is an application for an order granting development consent			
<p>1.1 Is the development a nationally significant infrastructure project² (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>Box 4 of the Application Form (Doc 1.2) states: <i>"In a Direction dated 26 June 2012 under Section 35 of the Planning Act 2008, the Secretary of State determined that the Silvertown Tunnel is of national significance and is to be treated as development for which development consent is required."</i></p> <p>A copy of the s35 Direction is attached as Appendix 1 to the Planning Policy Compliance Statement (Doc 7.2). Paragraph 2 of the s35 Direction states:</p> <p><i>"The Secretary of State is satisfied that:</i></p> <ul style="list-style-type: none"> <i>• the development does not currently fall within the definition of a "nationally significant infrastructure project" and therefore it is appropriate to consider use of the power in section 35; and</i> <i>• the Mayor of London's request constitutes a "qualifying request"</i> 		

¹ References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Applications and Plans Directorate which carries out functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

² NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

³ Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	<p><i>in accordance with section 35(10) of the Act.”</i></p> <p>Paragraph 4 of the s35 Direction states: <i>“Having considered the details of the Silvertown Tunnel development set out in the request, the Secretary of State is of the view that this development by itself is nationally significant,…”</i></p> <p>Paragraph 6 of the s35 Direction further states: <i>“In addition, the Secretary of State further directs that any proposed application in relation to the Silvertown Tunnel development is to be treated as a proposed application for which development consent is required.”</i></p> <p>Paragraph 2.2.5 of the Consultation Report (Doc 5.1), provides an outline of the reasons the Secretary of State determined that the Scheme was of national significance, in summary:</p> <ul style="list-style-type: none"> • London as an engine for economic growth nationally; • The projected growth of London; • Current congestion at the Blackwall Tunnel is having a direct impact on the strategic road network; and • The size and nature of the Silvertown Tunnel and comparison to other NSIPs
<p>Summary – s55(3)(a) and s55(3)(c)</p>	<p>A copy of the s35 Direction is attached as Appendix 1 to the Planning Policy Compliance Statement (Doc 7.2).</p> <p>Paragraph 5 of the s35 Direction states:</p> <p><i>“Accordingly, as the Secretary of State is satisfied that the proposed Silvertown Tunnel development is nationally significant, THE SECRETARY OF STATE DIRECTS that development, together with any matters associated with it, is to be treated as development for which development consent is required.”</i></p> <p>The Applicant has demonstrated that the application as submitted</p>

	is an application for an order granting development consent under the PA2008.
2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)	
2.1 Did the applicant before carrying out the s42 consultation either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development ⁴ ?	<p>(a) No, the Applicant did not request a screening opinion in respect of the development;</p> <p>(b) Yes, the Applicant notified the Secretary of State in writing that it proposed to provide an environmental statement in respect of the development.</p> <p>Notification under Regulation 6(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 was sent to the Planning Inspectorate on 8 May 2014.</p> <p>A copy of the notification letter is provided in Appendix H1 of the Consultation Report (Doc 5.2, Appendix H).</p>
2.2 Have any adequacy of consultation representations ⁵ been received from "A", "B", "C" and "D" authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?	<p>Yes</p> <p>Adequacy of Consultation Responses (AoCR) have been received from the following local authorities:</p> <p>Host ("B") Authorities</p> <ul style="list-style-type: none"> • Royal Borough of Greenwich (RB Greenwich) • London Borough of Newham (LB Newham) <p>Neighbouring ("A") Authorities</p> <ul style="list-style-type: none"> • London Borough of Bexley (LB Bexley) • London Borough of Lewisham (LB Lewisham) • London Borough of Redbridge (LB Redbridge) • London Borough of Tower Hamlets (LB Tower Hamlets)

⁴ Regulation 6 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

⁵ S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received

- London Borough of Waltham Forest (LB Waltham Forest)

A Local Authority by virtue of s55(5)(b) of the PA2008

- The Greater London Authority

The majority of AoCRs received, namely RB Greenwich, LB Newham, LB Tower Hamlets, LB Bexley, LB Redbridge and the Greater London Authority confirm that the Applicant has complied with their duties under s42, s47 and s48 of the PA2008.

It is noted however that RB Greenwich, LB Newham, LB Lewisham and LB Waltham Forest have raised concerns within their AoCR regarding the Applicant's consultation.

A summary of these AoCRs are provided below.

RB Greenwich in their AoCR state:

"The Council is unable to provide a view as to whether TfL has complied with the requirements of section 49, with regard to the issues raised by the Council, at this time since insufficient documentation to allow that judgement to be made was made available to the Council until (13th May 2016) after the application had been submitted."

This concern is outside the specific remit of the AoCR and raises an issue in respect of s49 consultation, addressed in section 2.15 (below) of the s55 checklist. It is noted that RB Greenwich confirms in their AoCR that the Applicant has:

"The Council is of the view that TfL's Statement of Community Consultation (SoCC) was produced and published and the subsequent statutory consultation was undertaken in compliance with the requirements of Sections 42,47 and 48 of the Planning Act 2008 (as amended)."

LB Newham in their AoCR identifies 4 concerns over the Applicant's consultation process, namely: '*readiness of Consultation Documentation*', '*Traffic Modelling*', '*Public Transport Proposal*' and '*Community Fund*'.

LB Waltham Forest raises similar concerns within their AoCR and identifies their main issues with the Applicant's consultation as being the traffic modelling used to justify the scheme and concerns relating to the increase of traffic, congestion and air quality as a result of the proposal. In summary, LB Waltham Forest's AoCR states:

"The London Borough of Waltham Forest believes that TfL have not consulted adequately on the Silvertown Tunnel scheme."

Notably Waltham Forest makes reference in their AoCR to consultation being inadequate until certain information is provided. The requirement of the PA2008 is that the Applicant undertakes specific consultation with prescribed consultees and that they have regard to relevant responses made as part of that consultation.

The Applicant has undertaken consultation in accordance with the requirements of the PA2008 and has had regard to representations. The fact that the Applicant has and is engaging in a process of consultation with Boroughs in respect of the issue noted by Waltham Forest could be treated as evidence that the Applicant has had regard to their responses.

In respect of the concern about readiness of consultation material, DCLG guidance *PA2008: Guidance on the pre-application process* recognises that schemes may change before submission and also advises Applicants to consider the balance needed where there is a change and the detail of information provided at consultation. The Applicant has had regard to the CLG guidance and has demonstrated

in **Chapters 12-21 of Consultation Report (Doc 5.1)** the regard they have had to responses received during consultation, most notably **Chapter 13** (Responses relating Traffic and Highways Issues), **Chapter 14** (Responses relating to the Environment), **Chapter 15** (Responses relating to the Consultation), **Chapter 16** (Responses relating to the Optioneering), **Chapter 17** (Responses to the Public Transport Offer), **Chapter 20** (Responses relating to the Construction) and **Chapter 21** (Responses relating to the Tunnel Design and Operations).

Matters in respect of the detail of these issues, rather than the manner in which they were consulted upon and regard was had, would rightly be considered through a subsequent examination process.

Notwithstanding the above, LB Newham confirm in their AoCR that:

"However, notwithstanding these concerns, the Council is of the view that Transport for London has undertaken an adequate pre-application consultation for the Silvertown Tunnel scheme in accordance with the provisions set out in Sections 42, 47 & 48 of the Act."

LB Lewisham AoCR states:

"TfL published information about the consultation within London-wide newspapers and papers crossing Greenwich and Lewisham but did not offer events within Lewisham. The proposed Silvertown Tunnel will have a significant impact on Lewisham's residents and businesses particularly as it will increase daily traffic congestion and is likely to result in a deterioration of air quality which will have a subsequent negative impact of the health of the borough's population. Consultation, including events, should thus have been targeted at Lewisham's residents and businesses as well as those within the London Boroughs of Greenwich, Newham and Tower

Hamlets. This would have ensured that those affected by the proposed tunnel outside the "host boroughs" were provided with sufficient information to be able to participate in the consultation, with the potential to influence the project."

LB Lewisham goes on further to state:

"As TfL define a significant part of the London Borough of Lewisham as falling within the "local community" for the purposes of section 47 it conflicts with the overarching intention of section 47 for the Borough of Lewisham not to be consulted upon the SoCC which forms the basis of consultation undertaken within the Borough."

LB Lewisham raise concerns in respect of consultation on the SoCC. These are addressed in section 2.7 below.

LB Lewisham AoCR also raises concerns relating to involvement of the community, consultation events, modelling impacts and alternative options. These concerns do not directly relate to whether the Applicant has complied with the specific duties set out under s42, s47 and s48.

The Applicant has demonstrated within the **Consultation Report (Doc 5.1)** that they had complied with the statutory minimum requirements in consulting with the relevant host boroughs on the draft SoCC. The consultation activity was then carried out in accordance with the SoCC. Whilst specific events were not held in the LB Lewisham area, it is noted that consultation material was made available online and available free of charge upon request to enable residents of Lewisham to participate in the consultation.

In respect of concerns raised on modelling impacts and alternative options, the test is not whether the consultation has been guided by

	<p>realistic estimate of the impacts as noted by LB Lewisham, but by the Applicant demonstrating regard taken on responses received.</p> <p>The Applicant demonstrated within Chapter 13 (Responses relating Traffic and Highways Issues) covering traffic modelling and Chapter 16 (Responses relating to the Optioneering) of the Consultation Report (Doc 5.1), that they have had regard to concerns raised by the Boroughs on these matters.</p> <p>For the purposes of this section of the checklist, the test being considered is whether the Applicant has complied with the duties under s42, s47 and s48 only. It is clear from LB Lewisham and LB Waltham Forest responses that there are a number of detailed matters that those authorities consider as not having been adequately addressed by the Applicant. These matters may be important and relevant to the Secretary of State’s decision and therefore matters for consideration during the examination of the application, and ultimately whether to grant or refuse development consent, but they do not indicate that there has been a failure to comply with the requisite statutory duties.</p> <p>All adequacy of consultation responses have been published and are available to view on the project page of the Planning Inspectorate website.</p>
<p>s42: Duty to Consult</p>	
<p>2.3 Did the applicant consult the following about the proposed application:</p>	
<p>s42(1)(a) persons prescribed⁶?</p>	<p>In Appendix D of the Consultation Report (Doc 5.2), the Applicant provides a list of who they consulted under s42(1)(a). This has been checked against the Inspectorate’s prescribed</p>

⁶ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	<p>consultees list. The following parties appear on the Inspectorate’s list, but not on the Applicant’s list:</p> <ul style="list-style-type: none"> • Harlaxton Energy Networks Limited • Peel Electricity Networks Limited • UK Power Distribution Limited <p>National Air Traffic Services (NATS) was consulted but not NATS En-Route Safeguarding.</p> <p>The Applicant has also consulted a number of additional parties not on the Inspectorate’s list.</p> <p>The Applicant’s Consultation Report (Doc 5.1) does not give a clear explanation as to why these bodies identified above have not been consulted. Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, the Planning Inspectorate would suggest that the Applicant may wish to include the above bodies amongst those on whom they serve notice of the accepted application under s56(2)(a) of PA2008.</p> <p>S51 advice will be issued regarding this matter.</p>
s42(1)(aa) the Marine Management Organisation ⁷ ?	<p>Yes</p> <p>Paragraph 5.3.7 of the Consultation Report (Doc 5.1) and Appendix D (table 1) of the Consultation Report (Doc 5.2) state that Marine Management Organisation was consulted under s42(1)(aa).</p>

⁷ In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

<p>s42(1)(b) each local authority within s43⁸?</p>	<p>Yes</p> <p>Paragraph 5.4.1 of the Consultation Report (Doc 5.1) states:</p> <p><i>"Section 42 (1)(b) requires the applicant to consult each local authority that is within section 43...TfL applied section 43 as set out in table 5.1."</i></p> <p>The table to which the Applicant refers, identifies the following Local Authorities which were consulted:</p> <p>The 'B' Authorities were RB Greenwich, LB Newham and LB Tower Hamlets.</p> <p>The 'A' Authorities were LB Barking & Dagenham, LB Lewisham, LB Redbridge, LB Bexley, LB Bromley, LB Hackney, LB Waltham Forest, LB Southwark and Common Council of the City of London.</p> <p>The Applicant treated the LB Tower Hamlets as a 'host' (i.e. "B") authority for the purposes of their statutory consultation and provides an explanation in paragraph 5.4.2 of the Consultation Report, which states:</p> <p><i>"Although the proposed order limits used for the statutory consultation did not include any land within the London Borough of Tower Hamlets, TfL considered that the borough had a significant interest in the proposed application as the northern portal of the Blackwall Tunnel is located in the borough. On the basis that the consultation included proposals to impose user charges at the Blackwall Tunnel and was seeking views on this issue and other</i></p>
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⁸ Definition of "local authority" in s43(3): The "B" authority where the application land is in the authority's area; the "A" authority where any part of the boundary of A's area is also a part of the boundary of B's area; the "C" authority (upper tier) where the application land is in that authority's area; the "D" authority where such an authority shares a boundary with a "C" authority

	<p><i>matters which were directly relevant to the borough (such as impacts on the local highway network), TfL considered it was appropriate to give the London Borough of Tower Hamlets the status of a host local authority.”</i></p> <p>Paragraph 5.4.2 of the Consultation Report, goes on to state: <i>“As a result of this decision, the City of London was treated as a ‘neighbouring’ local authority for the consultation as it shares a boundary with the London Borough of Tower Hamlets.”</i></p> <p>A list of Local Authorities consulted by the Applicant is also provided in Appendix D1 of the Consultation Report (Doc 5.2, Appendix D). The LB Southwark was treated as a ‘neighbouring’ (“A”) authority by the Applicant as a result of the decision to treat LB Tower Hamlets as a ‘host’ (“B”) authority.</p>
s42(1)(c) the Greater London Authority (if in Greater London area)?	<p>Yes</p> <p>Paragraph 5.3.7 of the Consultation Report (Doc 5.1) and Appendix D (table 1) of the Consultation Report (Doc 5.2) state that Greater London Authority was consulted under s42(1)(c).</p>
s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>The Applicant undertook a land referencing exercise. This land referencing exercise is summarised in Appendix D3 (Doc 5.2, Appendix D) and correspondence documentation is provided in Appendix D4 (Doc 5.2, Appendix D).</p> <p>The Applicant has demonstrated diligent inquiry in identifying s42(1)(d) persons as stated in paragraph 5.5.1 of the Consultation Report (Doc 5.1). Paragraph 5.5.1 of the Consultation Report (Doc 5.1) confirms that consultation was undertaken to establish all persons who fall within s44 of PA2008.</p>

⁹ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

Paragraph 5.5.2 (Doc 5.1) and **Appendix D2 (Doc 5.2)** provide a list of those parties removed from the Book of Reference after this process.

Paragraph 5.5.3 of the **Consultation Report (Doc 5.1)** states:

“the list of section 42(1)(d) consultees in appendix D2 is not identical to the list of parties in the book of reference as there are many additional parties that were consulted who are no longer considered to be an affected party in the submitted book of reference.”

The introduction to **Appendix D2 (Doc 5.2)** clarifies that the table which lists consultees is split into colour coding. Those denoted in yellow or green have been removed from the Book of Reference, whilst those denoted in white appear in the Book of Reference. Those parties denoted in white have been cross checked against the Book of Reference and a few inconsistencies were identified. These are described below.

Upon review of the parties denoted in white within **Appendix D2** of the **Consultation Report (Doc 5.2, Appendix D)**, the following parties do not appear in the Book of Reference:

AnSCO Ordnance Pier Limited, Energy 10 Greenwich Limited, Folgate Estates Limited, Knight Dragon Meridian Limited, Port Greenwich Limited, Ranburn Limited.

It is also noted that some parties denoted in white in **Appendix D2**, appear in the Book of Reference, but with a different address. These parties are:

All Health Matters Limited, AnSCO Arena Limited, Sommerfeld Chauffer Service Limited, Nicholas Associates Group Limited,

	<p>Automated Document Services Limited, Baldwins Crane Hire Limited, Clearstorm Limited, Connectel Limited, Docklands Prestige Residential Limited, Keltbray Limited, Knight Dragon Developments Limited, Robert Stevens and Sons Fabrication Limited, S.E.S Holdings (UK) Limited, SIV Fire Protection Limited, Tec Fast Limited, The Official Custodian for Charities, Thedressup Limited, Transam Trucking Limited.</p> <p>With regard to Sommerfeld Chauffer Service Limited (listed above), the Consultation Report states that the name of this party has changed, however it does not confirm the name it has changed to.</p> <p>S51 advice will be issued on these matters.</p>
<p>s45: Timetable for s42 Consultation</p>	
<p>2.4 Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes</p> <p>Chapter 5 of the Consultation Report (Doc 5.1) explains the s42 consultation undertaken by the Applicant. Sections 5.6 to 5.8 of the Consultation Report provide details on when s42 consultation was undertaken.</p> <p>Paragraph 5.6.2 of the Consultation Report states:</p> <p><i>"Statutory consultation was undertaken by way of a letter sent by first class post and (where requested) by email on 2 October 2015....The letter notified recipients that the consultation period commenced on 5 October 2015 and the deadline for responses was 29 November 2015."</i></p> <p>The paragraph goes on to explain:</p> <p><i>"For anyone consulted after the start of the statutory consultation, TfL ensured that the consultee was provided with the statutory</i></p>

minimum of 28 days from receipt of the letter and consultation documents...”

The s42 consultation can be summarised as follows:

1. Issued letter on 2 October 2015 – Consultation period 5 October to 29 November 2015 (56 days). Sample copies of the s42 consultation letters are provided in **Appendix D5 and D6 (Doc 5.2, Appendix D)**.
2. Issued a reminder letter to all s42 consultees on 12 November 2015 to confirm receipt of responses to the Applicant by 29 November 2015. A sample copy of the reminder letter is provided in **Appendix D7 (Doc 5.2, Appendix D)**.
3. The Applicant issued letters on 24 and/or 27 November 2015, which provided a deadline for comments by 31 December 2015, as outlined in **Appendix D2 (Doc 5.2, Appendix D)**. No letters are provided for this consultation, however **paragraph 5.6.2 and section 5.7** of the Consultation Report (**Doc 5.2, Appendix D**) sets out this position.

Following the close of the s42 consultation, the Applicant identified additional persons under s42(1)(d) who were not consulted during the statutory consultation period. **Table 5-2** of the **Consultation Report (Doc 5.1)** identifies these persons and their interest in the land affected by the proposal. The circumstances in which they were identified are also explained in Table 5-2.

On 16 February 2016 the Applicant issued letters to these identified persons, informing them of the deadline to respond to this statutory consultation, being 17 March 2016. A sample copy of this letter is provided in **Appendix T2 (Doc 5.2, Appendix T)**. The letter confirms that these statutory consultees were provided in excess of 28 days to respond to the consultation.

It is clear from this that the deadline provided by the Applicant

	under s42 was more than the statutory 28 days required from receipt of the consultation request.
s46: Duty to notify Secretary of State of proposed application	
<p>2.5 Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>Yes</p> <p>Paragraph 5.10.1 of the Consultation Report (Doc 5.1) states that the Applicant supplied The Planning Inspectorate with a notification of the proposed application under s46 PA2008 via a letter dated 2 October 2015.</p> <p>A copy of the letter and consultation documents sent to the Secretary of State is included in Appendix D9 (Doc 5.2, Appendix D).</p> <p>The notification letter to s42 consultees supplied at Appendix D5 and D6 is dated 2 October 2015, which means, the Planning Inspectorate were notified of the statutory consultation on the same day as the s42 consultees and before the formal s42 consultation commenced on 5 October 2015.</p>
s47: Duty to consult local community	
<p>2.6 Did the applicant prepare a statement of community consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>Yes</p> <p>Chapter 6 of the Consultation Report (Doc 5.1) outlines the Applicant's approach to developing the draft SoCC, consultation with the host authorities and publication of the final SoCC.</p> <p><u>Final SoCC – Publication September 2015</u></p> <p>A copy of the finalised SoCC is provided in Appendix E5 of the Consultation Report (Doc 5.2, Appendix E).</p> <p>The Final SoCC was published on 21 September 2015.</p>

	<p>Table 6-4 of the Consultation Report provides the date that each SoCC notice appeared in the relevant press. A copy of each of these notices is provided in Appendix E6 (Doc 5.2, Appendix E).</p>
<p>2.7 Were "B" and (where relevant) "C" authorities consulted about the content of the SOCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that "B" and (where applicable) "C" authorities received the consultation documents?</p>	<p>Yes</p> <p>The Applicant identified and consulted the LB Tower Hamlets as a 'host' (i.e. "B") authority and provides an explanation in paragraph 5.4.2 of the Consultation Report (Doc 5.1). Also see section 2.3 above.</p> <p>It is confirmed in paragraph 6.1.1 and 6.1.2 of the Consultation Report that the RB Greenwich, LB Newham and LB Tower Hamlets were consulted about the contents of the SoCC. There are no identified "C" local authorities.</p> <p><u>Draft SoCC – March 2015</u></p> <p>Paragraph 6.4.2 of the Consultation Report states:</p> <p><i>"TfL sent the draft SoCC to the host Boroughs by email on 27 February 2015. It was therefore received on 27 February 2015 and TfL specified a deadline for comments of 30 March 2015."</i></p> <p>This provided host authorities in excess of 28 days to comment on the draft SoCC. Appendix E2 of the Consultation Report (Doc 5.2, Appendix E), provides evidence of this consultation.</p> <p><u>Revised Draft SoCC – July 2015</u></p> <p>Paragraph 6.5.1 of the Consultation Report states:</p> <p><i>"TfL sent the revised draft SoCC by email to the host Boroughs on 17 July 2015, specifying a deadline for comments of 17 August 2015."</i></p>

	<p>This provided host authorities in excess of 28 days to comment on the revised SoCC. Appendix E3 and E4 of the Consultation Report (Doc 5.2, Appendix E), provides evidence of this consultation.</p> <p>The RB Greenwich, LB Newham and LB Tower Hamlets confirmed that they were consulted on the preparation of the SoCC via their AoCR.</p> <p>LB Lewisham AoCR noted that they had not been consulted on the content of the SoCC and this is addressed in section 2.2 (above) of the checklist.</p> <p>The Applicant has complied with the minimum statutory requirement and consulted the host authorities on the draft SoCC. The consultation activity was then carried out in accordance with the SoCC and whilst specific events were not held in the LB Lewisham area, it is noted that consultation material was made available online and available free of charge upon request to enable residents of Lewisham to participate in the consultation.</p>
<p>2.8 Has the applicant had regard to any responses received when preparing the SOCC?</p>	<p>Yes</p> <p><u>Draft SoCC – March 2015</u></p> <p>Table 6-2 of the Consultation Report (Doc 5.1); provides a summary of the consultation on the draft SoCC in March 2015 with the host authorities and regard taken by the Applicant to their responses. Paragraph 6.4.4 of the consultation report states:</p> <p><i>"The revised draft SoCC took into account the comments raised by the host Boroughs."</i></p> <p><u>Revised Draft SoCC – July 2015</u></p>

	<p>Table 6-3 of the Consultation Report provides a summary of the consultation on the revised draft SoCC in July 2015 with the host authorities and regard taken by the Applicant to their responses. Paragraph 6.5.4 of the Consultation Report states:</p> <p><i>"TfL wrote to each host Borough on 15 September 2015 to explain how it had taken account of their comments on the revised draft SoCC, and additionally provided a copy of the finalised SoCC."</i></p> <p>The RB Greenwich, LB Newham and LB Tower Hamlets confirm in their AoCR that the Applicant did have regard to responses received. Summaries thereof are provided below.</p> <p>RB Greenwich AoCR states: <i>"The Council is satisfied that TfL fully complied with its duty to consult with relevant authorities, and properly considered the responses of those authorities, in preparation of the SoCC."</i></p> <p>LB Newman AoCR states: <i>"The Council was consulted on the content of the SoCC over a number of weeks up to mid-August 2015 summer of 2015, prior to its publication in September 2015. The Council proposed a number of changes and additions to the SoCC, including alternative venues and additional dates for drop-in sessions in Newham and TfL agreed to these changes."</i></p> <p>LB Tower Hamlet AoCR states: <i>"As stated in section 6 of the applicant's Consultation Report, the borough was consulted and fully engaged in the preparation of the SOCC and account was taken of the council's comments".</i></p>
<p>2.9 Has the SOCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a</p>	<p>Yes</p> <p>Table 6-4 of the Consultation Report (Doc 5.1) provides the</p>

newspaper circulating in the vicinity of the land which states where and when the SOCC can be inspected?

date the final SoCC notice was advertised. The Table lists the following publications of the notice, stating where and when the SoCC can be inspected:

- East End Life – published on 21 September 2015
- Evening Standard and Greenwich Time – published on 22 September 2015
- Greenwich Mercury and Newham Recorder – published on 23 September 2015
- Docklands and East London Advertiser – published on 24 September 2015

A copy of each of these advertisements is contained in **Appendix E6 (Doc 5.2, Appendix E)**, which confirms the dates detailed above.

At **paragraph 6.6.5** and **6.6.6** of the **Consultation Report (Doc 5.1)**, the Applicant states that they made the SoCC available for inspection by the public from 21 September 2015 until the close of consultation on 29 November 2015 at locations agreed with the host Boroughs as being convenient for the local community and/or for people living in the vicinity of the project. These locations are listed below:

- Transport for London, 230 Blackfriars Road, Southwark, London SE1 8NJ
- Royal Borough of Greenwich, The Woolwich Centre, Wellington Street, Woolwich, SE18 6HQ
- London Borough of Newham, Newham Dockside, 1000 Dockside Road, London, E16 2QU
- London Borough of Tower Hamlets, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

At **paragraph 6.6.7** and **6.6.8** of the **Consultation Report**, the

	<p>Applicant states that it posted the final SoCC on its website on 21 September 2015 where it could be downloaded and also provided a link within an email sent to contacts held within the Applicant’s database highlighting the availability of the SoCC and plans to hold roadshow events to raise awareness to stakeholders for these events. A copy of the email is included in Appendix E7 of the Consultation Report (Doc 5.2, Appendix E).</p>
<p>2.10 Does the SOCC set out whether the development is EIA development¹⁰; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?</p>	<p>Yes</p> <p>The SoCC sets out how the Preliminary Environmental Information Report (PEIR) would be publicised and consulted on.</p> <p>The Final SoCC at Appendix E5 of the Consultation Report (Doc 5.2, Appendix E), paragraph 2 (Environmental information) states that:</p> <p><i>"The proposed Silvertown Tunnel is classified as 'EIA Development' for the purposes of the EU Environmental Impact Assessment Directive. An Environmental Impact Assessment (EIA) is therefore being undertaken to ensure the likely significant effects of the scheme are understood and that appropriate mitigation of those effects is put in place where necessary. The results of the EIA will be set out in an Environmental Statement that will accompany the DCO application. The preliminary results of the EIA will be presented in a 'Preliminary Environmental Information Report' (PEIR) during our consultation on the proposed application, and we will be seeking the local community's views on the information contained in the report."</i></p>
<p>2.11 Has the applicant carried out the consultation in accordance with the SOCC?</p>	<p>Yes</p> <p>Chapter 7 of the Consultation Report (Doc 5.1) provides a detailed account on how the Applicant carried out the consultation</p>

¹⁰ Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

in accordance with the SoCC, provided at **Appendix E5 (Doc 5.2, Appendix E)**.

s48: Duty to publicise the proposed application

2.12 Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations):

(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;

Yes

Table 8-1 of the **Consultation Report (Doc 5.1)** states that the s48 notice publicising the Project was placed in six local newspapers over two consecutive weeks.

Appendix G1 of the **Consultation Report (Doc 5.2, Appendix G)** provides dated copies of s48 notices published in the following local newspapers on the following dates:

- East End Life - 5 October 2015
East End Life - 12 October 2015
- London Evening Standard - 6 October 2015
London Evening Standard - 13 October 2015
- Greenwich Time - 6 October 2015
Greenwich Time - 13 October 2015
- Greenwich Mercury - 7 October 2015
Greenwich Mercury - 14 October 2015
- Newham Recorder - 7 October 2015
Newham Recorder - 14 October 2015
- Docklands and East London Advertiser - 8 October 2015
Docklands and East London Advertiser - 15 October 2015

<p>(b) once in a national newspaper;</p>	<p>Yes</p> <p>Table 8-1 of the Consultation Report (Doc 5.1) states that the s48 notice was published for one week in The Times (a national newspaper) on 6 October 2015.</p> <p>A copy of the notice published in the newspaper can be found in Appendix G1 of the Consultation Report (Doc 5.2, Appendix G).</p>
<p>(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p>	<p>Yes</p> <p>Table 8-1 of the Consultation Report (Doc 5.1) states that the s48 notice publicising the Project was placed in the London Gazette over two consecutive weeks (6 October 2015 and 13 October 2015).</p> <p>Appendix G1 of the Consultation Report (Doc 5.2, Appendix G) provides a dated copy of the s48 notice published in the London Gazette on 6 October 2015.</p>
<p>(d) where the proposed application relates to offshore development –</p> <p>(i) once in Lloyds List; and</p> <p>(ii) once in an appropriate fishing trade journal?</p>	<p>Not applicable</p> <p>Paragraph 8.1.3 of the Consultation Report (Doc 5.1) states:</p> <p><i>"The proposed application for development consent does not affect land in Scotland and is not off-shore development and therefore there was no requirement to publish a notice in the Edinburgh Gazette, Lloyd's list or an appropriate fishing journal."</i></p>
<p>2.13 Did the notice include, as required by Regulation 4(3) of APFP Regulations:</p>	
<p>(a) the name and address of the applicant;</p>	<p>Yes</p> <p>Paragraph 1 of the s48 notice provided in Appendix G1 of the</p>

	<p>Consultation Report (Doc 5.2, Appendix G) contains the name and address of the Applicant. <i>"Transport for London (TfL) of Windsor House, 42-50 Victoria Street, London SW1H 0TL"</i></p>
<p>(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;</p>	<p>Yes</p> <p>Paragraph 1 of the s48 notice provided in Appendix G1 of the Consultation Report (Doc 5.2, Appendix G) states:</p> <p><i>"Transport for London (TfL) of Windsor House, 42-50 Victoria Street, London SW1H 0TL intends to make an application to the Secretary of State for Communities and Local Government ('the proposed application') for a development consent order made under the Planning Act 2008 authorising the construction, operation and maintenance of a twin bore road tunnel beneath the river Thames known as the Silvertown Tunnel ('the project')."</i></p>
<p>(c) a statement as to whether the application is EIA development;</p>	<p>Yes</p> <p>Paragraph 3 of the s48 notice provided in Appendix G1 of the Consultation Report (Doc 5.2, Appendix G) states:</p> <p><i>"the proposed project is 'EIA development' for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009."</i></p>
<p>(d) a summary of the main proposals, specifying the location or route of the proposed development;</p>	<p>Yes</p> <p>Paragraph 1 of the s48 notice provided in Appendix G1 of the Consultation Report (Doc 5.2, Appendix G) states:</p> <p><i>"if constructed, the project would be located in the London Boroughs of Greenwich, Tower Hamlets and Newham and it would include the following elements,..."</i> noting its main proposals and route of the proposed development.</p>

<p>(e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;</p>	<p>Yes</p> <p>Paragraph 3 of the s48 notice provided in Appendix G1 of the Consultation Report (Doc 5.2, Appendix G) states:</p> <p><i>"the PEIR and other documents, plans and maps which detail the nature and location of the project ('the consultation documents') are available for inspection free of charge from 5 October to 29 November 2015."</i></p> <p>The table following paragraph 3 provides four locations including addresses in the vicinity of the proposed development and times as set out in the notice.</p>
<p>(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));</p>	<p>Yes</p> <p>Paragraph 3 of the s48 notice provided in Appendix G1 of the Consultation Report (Doc 5.2, Appendix G) states that documents:</p> <p><i>"are available for inspection free of charge from 5 October to 29 November 2015."</i></p> <p>This is the same deadline provided by the Applicant for receipt of responses.</p>
<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>	<p>Yes</p> <p>Paragraph 3 of the s48 notice provided in Appendix G1 of the Consultation Report (Doc 5.2, Appendix G) states:</p> <p><i>"TfL will provide copies of the consultation documents free of charge on reasonable request."</i></p> <p>Paragraph 6.6.9 of the Consultation Report (Doc 5.1) states:</p>

	<p><i>"TfL received three requests for a hard copy of the SoCC. In each case, TfL provided a hard copy as requested."</i></p> <p>Paragraph 8.3.3 of the Consultation Report (Doc 5.1) states:</p> <p><i>"The section 48 notice included a statement that TfL would provide copies of the consultation documents free of charge on reasonable request. TfL confirms that it did not receive any requests for the consultation documents that it considered unreasonable. Where consultation documents were requested they were supplied by TfL."</i></p>
(h) details of how to respond to the publicity; and	<p>Yes</p> <p>Paragraph 4 of the s48 notice provided in Appendix G1 of the Consultation Report (Doc 5.2, Appendix G) confirms that responses could be made in writing by way of:</p> <ol style="list-style-type: none"> 1. completing the questionnaire on the project website (www.tfl.gov.uk/silvertown-tunnel); 2. writing to FREEPOST TFL CONSULTATIONS (no address or stamp was needed when responding); or 3. email to rivercrossings@tfl.gov.uk
(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published?	<p>Yes</p> <p>Paragraph 4 of the s48 notice provided in Appendix G1 of the Consultation Report (Doc 5.2, Appendix G) states:</p> <p><i>"the deadline for receipt of responses is midnight on 29 November 2015."</i></p> <p>This date was in excess of 28 days following the date of the last publication of the s48 notice on 15 October 2015 as reflected in Appendix G1 of the Consultation Report (Doc 5.2, Appendix</p>

	G).
<p>2.14 Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with Regulation 9(1)(c) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations)¹¹?</p>	<p>Yes</p> <p>Paragraph 9.3.6 of the Consultation Report (Doc 5.1) states:</p> <p><i>"TfL complied with this requirement and sent a copy of the section 48 notice to those bodies identified as part of its consultation undertaken pursuant to section 42 (1)(a), (aa), (b) and (c) of the Act and to those organisations included in the list provided by PINS under Regulation 9 of the EIA Regulations."</i></p> <p>A sample letter sent to s42 consultees can be found in Appendix D5 of the Consultation Report (Doc 5.2, Appendix D). One sample letter sent to s42(1)(d) consultees can be found in Appendix D6 of the Consultation Report (Doc 5.2, Appendix D).</p>
s49: Duty to take account of responses to consultation and publicity	
<p>2.15 Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</p>	<p>Yes</p> <p>Chapters 12 to 22 of the Consultation Report (Doc 5.2), provide a detailed account of regard taken by the Applicant on relevant responses to s42, s47 and s48 consultation. These chapters provide an explanation on any changes made as a result of the statutory consultation responses received and where responses requesting changes to the proposal have not been made, the Applicant provides a reason.</p> <p>Chapters 12 to 21, identify issues made by respondents to the consultation and within the introduction of each of these relevant chapters, for example in Chapter 12, it states:</p>

¹¹ Regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

"This chapter provides a summary of responses received during statutory consultation on the Scheme under section 42, section 47 and section 48 of the Act which contained comments which TfL coded according to the 'User Charging' theme. TfL has fully considered all of the comments it received that were coded according to this theme. This chapter also provides TfL's response to each of the issues raised on this theme and an explanation as to whether each issue has led to a change in the Silvertown Tunnel scheme."

The 'themes' identified by the Applicant in the Chapters ranged from Traffic and Highways issues, Optioneering to General support and opposition.

The concerns raised by RB Greenwich and LB Waltham, into whether the Applicant has complied with s49 are noted in section 2.2 (above) of the checklist.

In summary, the submitted **Consultation Report (Doc 5.1 and 5.2)** appears comprehensive, in particular **Chapters 12-21** of the **Consultation Report (Doc 5.1)** which analyses responses received and the issues/themes identified by the Applicant. Each chapter provides an analysis of responses, a table addressing issues raised for each 'theme' identified and where relevant, regard had by the Applicant and whether this led to a change to the scheme.

Matters of substance that relate to the issues and/or any unresolved issues would be considered through the examination process.

Guidance about pre-application procedure

<p>2.16 To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'¹²?</p>	<p>Yes</p> <p>Appendix A1 – Compliance Checklist (Doc 5.2, Appendix A) provides a table illustrating how the Applicant has had regard to DCLG guidance.</p> <p>Having reviewed the application, it appears that the Applicant has identified and had regard to the relevant DCLG guidance.</p>
<p>Summary - s55(3)(e)</p>	<p>The Applicant's attention is drawn to Section 2.3 above. The Planning Inspectorate has noted some omissions and inconsistencies in respect of those consulted and will issue s51 advice to the Applicant in this regard.</p> <p>In concluding whether the Applicant has complied with pre-application procedure regard must be had to the matters in s55(4)(a) to (c) – including representations about whether the Applicant's duties under s42, s47 and s48 have been met, and the Applicant's consultation report which is the Applicant's statement of account taken on responses.</p> <p>The concerns raised by RB Greenwich, LB Newham, LB Lewisham and LB Waltham Forest in their AoCRs may nonetheless indicate issues that may be important and relevant to the Secretary of State's decision and therefore will need to be considered in any examination of the application, and ultimately in any decision whether to grant or refuse development consent. However, it is considered that the Applicant has for the purpose of s55 acceptance complied with Chapter 2 of Part 5 (pre-application procedure).</p>
<p>3. s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set</p>	

¹² The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

under section 37(5) and follows any applicable guidance under section 37(4)	
<p>3.1 Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Secretary of State; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes</p> <p>Box 4 of the Application Form (Doc 1.2) gives a statement explaining why the development falls within the remit of the Secretary of State.</p> <p>Box 5 of the Application Form (Doc 1.2) provides a brief non-technical description of the site, whilst Box 6 of the Application Form provides the location of the proposal.</p>
<p>3.2 Is it accompanied by a consultation report?</p>	<p>Yes</p> <p>The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (Doc 5.2).</p>
<p>3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:</p>	
<p>(a) where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;</p>	<p>Yes</p> <p>The Environmental Statement (ES) (Doc 6.1) is accompanied by the following volumes:</p> <ul style="list-style-type: none"> • ES Figures/Drawings (Doc 6.2) • ES Appendices (Doc 6.3) • ES Non-Technical Summary (Doc 6.4) <p>The ES meets the minimum requirements set out in Schedule 4 Part 2 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) regarding the information for inclusion in environmental statements. This does not preclude the Examining Authority from seeking further explanation during the course of the examination.</p>

	<p>A Scoping Opinion was issued by the Planning Inspectorate in July 2014. The Scoping Opinion is provided at Appendix H3 to the Consultation Report (Doc 5.2, Appendix H). The Applicant has set out (in the form of a schedule) how the comments in the Scoping Opinion have been taken into account as part of the EIA in ES Appendix 5.A (Doc 6.3.5.1).</p> <p>In completing section 14.b) of the Application Form (Doc 1.2) (Screening Opinion/Direction and Scoping Opinion/Direction), the Applicant refers to ES Appendix 5.A (Doc 6.3.5.1) which does not contain a copy of the Scoping Opinion (only the schedule as referred to above), however as noted above a copy of the scoping opinion is included in the Consultation Report at Appendix H3.</p>
(b) the draft proposed order;	<p>Yes</p> <p>The application is accompanied by the Draft Development Consent Order (Doc 3.1).</p>
(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order;	<p>Yes</p> <p>An Explanatory Memorandum (Doc 3.2) has been provided with the application. The document explains the purpose and effect of provisions in the draft order.</p>
(d) where applicable, a book of reference (where the application involves any compulsory acquisition);	<p>Yes</p> <p>A Book of Reference (Doc 4.3) has been provided with the application. The Book of Reference meets the requirements of DCLG's '<i>Planning Act 2008: guidance related to procedures for the compulsory acquisition of land</i>'.</p> <p>There are some parties listed against plots in Part 3 of the Book of Reference which are not listed against the same plots in Part 1. This is contrary to Paragraph 8 of the above mentioned guidance.</p>

	<p>These parties are:</p> <p><u>RB Greenwich</u></p> <ul style="list-style-type: none"> • BT Group PLC • UK Power Networks • Virgin Media Ltd • UK Power Networks (Operations) Ltd • National Grid Gas Plc • GTC Pipelines <p><u>LB Newham</u></p> <ul style="list-style-type: none"> • National Grid Gas Plc • BT Group Plc • GTC Pipelines Ltd • Sky Plc • Virgin Media Plc • Cable & Wireless Communications Plc • National Grid Electricity Transmission Plc • Tata Communications (UK) Ltd • McNicholas Construction (Holdings) Ltd <p>Attention is also drawn to the inconsistencies identified in section 2.3 of the checklist above, in relation to 's42(1)(d) person in one or more of s44 categories'.</p> <p>Both these inconsistencies appear to be minor drafting points which could easily be corrected, however the Applicant should ensure that the Book of Reference is accurate having regard to Appendix D2 of the Consultation Report.</p> <p>S51 advice will be issued on these matters.</p>
(e) a copy of any flood risk assessment;	Yes

	<p>A Flood Risk Assessment is provided in ES Appendix 16A (Doc 6.3.16.1) by the Applicant.</p>
<p>(f) a statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them;</p>	<p>Yes</p> <p>A Statement in Respect of Statutory Nuisance (Doc 6.6) has been provided by the Applicant.</p> <p>Chapter 4 of the Statement in Respect of Statutory Nuisance, considers the types of impacts associated with the Scheme that could potentially engage one or more of the matters set out in s79(1) of the EPA along with how the Applicant proposes to mitigate or limit them with cross-reference to further information within the following application documents in particular:</p> <ul style="list-style-type: none"> • Environmental Statement (Doc 6.1); • Code of Construction Practice (Doc 6.10); and • Design Principles (Doc 7.4). <p>With the proposed mitigation in place, the Applicant does not expect that there would be a breach of Section 79(1) of the EPA 1990 during construction or operational activities (Chapter 5 of the Statement in Respect of Statutory Nuisance).</p>
<p>(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ¹³ applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1);</p>	<p>Yes</p> <p>A Habitat Regulations Assessment Report is provided in ES Appendix 9.G (Doc 6.3.9.7) by the Applicant.</p> <p>The report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: the Examining Authority will be able to ask questions during</p>

¹³ Now Regulation 61 of the Conservation of Habitats and Species Regulations 2010 SI2010/490.

	<p>the examination. This may result in additional information being required to inform the HRA report and the competent authority. Depending upon the type and availability of information required, it may not be possible to obtain this during the statutory timetable of the examination.</p>
<p>(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);</p>	<p>Yes</p> <p>The Statement of Reasons (Doc 4.1) and Funding Statement (Doc 4.2) have been provided with the application.</p>
<p>(i) a land plan identifying:-</p> <p>(i) the land required for, or affected by, the proposed development;</p> <p>(ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land;</p>	<p>Yes</p> <p>(i) The following plans illustrate the land required for, or affected by the proposed development:</p> <ul style="list-style-type: none"> • Land Plans (Key Plan) (Doc 2.3) • Land Plans (Sheet 1-7 and Inset D) <p>(ii) The above listed Land Plans (Sheets 1-7) also identify any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land.</p> <p>(iii) The above listed Land Plans (Sheets 1-7) also identify any land in relation to which it is proposed to extinguish easements, servitudes and other private rights.</p> <p>(iv) Special Category Land Plan (Doc 2.4) identifies special category land.</p> <p>The plots and descriptions listed in the Book of Reference appear consistent with the plots shown on the Land Plans and the Land Plans also show land for which temporary possession is sought.</p>
<p>(j) a works plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the</p>	<p>Yes</p>

<p>proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order;</p>	<p>The following plans are provided:</p> <ul style="list-style-type: none"> • Works Plans Key Plan (Doc 2.5) • Works Plans (Sheets 1-3) (Doc 2.5) <p>These plans confirm the following:</p> <p>(i) the proposed location and proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order.</p>
<p>(k) where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation;</p>	<p>Yes</p> <p>The Rights of Way and Access Plans (Doc 2.6) comprise:</p> <ul style="list-style-type: none"> • Rights of Way and Access Plans Key Plan • Rights of Way and Access Plans (sheet nos. 1-3)
<p>(l) where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development;</p>	<p>Yes</p> <p>This information has been provided by the Applicant in the following documents:</p> <p>(i) The following documents depict statutory/non-statutory sites or features of nature conservation e.g. sites of geological/landscape importance:</p> <ul style="list-style-type: none"> • ES Figures/Drawings 7.1 – 11.2 (Doc 6.2) <ul style="list-style-type: none"> – Statutory Sites, Drawing 9.1 – Non Statutory Sites, Drawing 9.2 – Phase 1 Habitat Survey, Drawing 9.3 (Sheet 1 of 2) – Phase 1 Habitat Survey, Drawing 9.3 (Sheet 2 of 2), and • ES Figures/Drawings 15.1-15.2 (Doc 6.2)

	<ul style="list-style-type: none"> • Townscape and Visual Consideration, Drawing 15.1 <p>No sites of geological importance have been identified by the Applicant.</p> <p>(ii) The following documents depict habitats of protected species, important habitats or other diversity features</p> <ul style="list-style-type: none"> • ES Figures/Drawings 7.1-11.2 (Doc 6.2) <ul style="list-style-type: none"> – Phase 1 Habitats Survey, Drawing 9.3 (Sheet 1 of 2) – Phase 1 Habitats Survey, Drawing 9.3 (Sheet 2 of 2) – Intertidal and Subtidal Ecology Survey Locations, Drawing 10.2 – Intertidal Habitat Map, Drawing 10.3 • ES Appendix 9.A (Doc 6.3.9.1) - Extended Phase I Habitat Survey (2015) • ES Appendix 9.B (Doc 6.3.9.2) - Bat Activity Survey • ES Appendix 9.C (Doc 6.3.9.3) - Invertebrate Survey Report <p>(iii) Table 10-1 of the ES (Doc 6.1) identifies the proposed development as falling within the South East River Basin District however no plan has been provided. S51 advice will be issued on this matter.</p> <p>An assessment of effects on such sites, features, habitats or bodies is provided in Chapters 9 (Terrestrial Ecology) and 10 (Marine Ecology) of the ES (Doc 6.1) and ES Appendix 9F (Doc 6.3.9.6) - Dedicated Species Assessments for Reptiles and Black Redstart.</p>
(m) where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled	<p>Yes</p> <p>This information has been provided by the Applicant in:</p>

<p>monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development;</p>	<p>ES Figures/Drawings 7.1-11.2 (Doc 6.2) - Heritage Asset Location Plan, Drawing 8.1; ES Appendix A (Doc 6.3.8.1) - Heritage Asset Gazetteer; and Chapter 8 of the ES (Doc 6.1) covering Cultural Heritage and Archaeology.</p>
<p>(n) where applicable, a plan with any accompanying information identifying any Crown land;</p>	<p>No There is no Crown Land in the order limits. The Application Form (Doc 1.2) confirms there is no Crown Land plan.</p>
<p>(o) any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping;</p>	<p>Yes The following other plans and drawings were submitted: The Tunnels Location and Operational Boundaries Plans (Doc 2.1) which comprise: <ul style="list-style-type: none"> • Tunnels Location and Operational Boundaries Plans Key Plan • Tunnels Location and Operational Boundaries Plans Location Plan • Tunnels Location and Operational Boundaries Plans (sheet nos. 1-3) The General Arrangement Plans (Doc 2.2) which comprise: <ul style="list-style-type: none"> • General Arrangement Plans Key Plan • General Arrangement Plans (sheet nos. 1-3) The Special Category Land Plan(s) (Doc 2.4) which comprise: <ul style="list-style-type: none"> • Special Category Land Plan The Classification of Roads Plans (Doc 2.7) which comprise: <ul style="list-style-type: none"> • Classification of Roads Plan (Classification) (sheet nos. 1-2) • Classification of Roads Plan (Designation) (sheet nos. 1-2) The Engineering Section Drawings and Plans (Doc 2.8) which</p>

	<p>comprise:</p> <ul style="list-style-type: none"> • Engineering Section Drawings and Plans Key Plan • Engineering Section Drawings and Plans (sheet nos. 1-23) <p>The Traffic Regulation Measures Plans (Doc 2.9) which comprise:</p> <ul style="list-style-type: none"> • Traffic Regulation Measures Plans Key Plan • Traffic Regulation Measures Plans (Speed Limits) (sheet nos. 1-4) • Traffic Regulation Measures Plans (Clearways and Prohibitions) (sheet nos. 1-4)
<p>(p) any of the documents prescribed by Regulation 6 of the APFP Regulations¹⁴;</p>	<p>Yes</p> <p>Box 22 of the Application Form (Doc 1.2) states:</p> <p><i>"Engineering Section Drawings and Plans (Doc 2.8) have been provided as required under Regulations 6(2), Regulation 5(2)(o) and 5(2)(p) of the APFP Regulations."</i></p> <p>These drawing and plans to which the Applicant refers comprise of the following:</p> <ul style="list-style-type: none"> • Engineering Section Drawings and Plans Regulations 5(2)(o) & (p) & 6(2) Key Plan; and <ul style="list-style-type: none"> - Engineering Section Drawings and Plans Silvertown Tunnel Northbound Sheet (1-3) of 23 - Engineering Section Drawings and Plans Silvertown Tunnel Southbound Sheet (4-6) of 23 - Engineering Section Drawings and Plans A102 Blackwall Tunnel Southern Approach Southbound Sheet 7 of 23 - Engineering Section Drawings and Plans A102 Blackwall

¹⁴ These are documents which are relevant to specific types of project (generating stations, highway related development, railways, harbour facilities, pipelines, hazardous waste facilities, dam or reservoirs). Confirm in each case the type of project and the relevant documents which **must** be included with the application in each case

	<ul style="list-style-type: none"> Tunnel Southern Approach Northbound Sheet 8 of 23 - Engineering Section Drawings and Plans Pavilion Lane (Realigned) Sheet 9 of 23 - Engineering Section Drawings and Plans Tunnel Avenue Sheet 10 of 23 - Engineering Section Drawings and Plans Dock Road (Realigned) Sheet 11 of 23 - Engineering Section Drawings and Plans Tidal Basin Roundabout Sheet 12 of 23 - Engineering Section Drawings and Plans A1020 Lower Lea Crossing Sheet 13 of 23 - Engineering Section Drawings and Plans Sections A-A & B-B Sheet 14 of 23 - Engineering Section Drawings and Plans Sections C-C & D-D Sheet 15 of 23 - Engineering Section Drawings and Plans Sections E-E & F-F Sheet 16 of 23 - Engineering Section Drawings and Plans Sections G-G & H-H Sheet 17 of 23 - Engineering Section Drawings and Plans Sections J-J & K-K Sheet 18 of 23 - Engineering Sections, Drawings and Plans Sections L-L & M-M Sheet 19 of 23 - Engineering Section Drawings and Plans Boord Street Foot and Cycle Bridge Sheet 20 of 23 - Engineering Section Drawings and Plans Tunnel Services Compound Sheet 21 of 23 - Engineering Section Drawings and Plans Tunnel Boring Machine (TBM) Launch Chamber Sheet 22 of 23 - Engineering Section Drawings and Plans Envisaged Temporary Jetty Sheet 23 of 23
(q) any other documents considered necessary to support the application; and	Yes

	<p>Box 23 of the Application Form (Doc 1.2) identifies the following documents considered necessary to support the application:</p> <ul style="list-style-type: none"> • Application form (Doc 1.2) • Guide to the Application (Doc 1.3) • Electronic index (Doc 1.4) • Environmental Statement, Non-Technical Summary (Doc 6.4) • Transport Assessment (Doc 6.5) • Energy and Carbon Statement (Doc 6.7) • Health and Equalities Impact Assessment (Doc 6.8) • Sustainability Statement (Doc 6.9) • Code of Construction Practice (Doc 6.10) • Case for the Scheme (Doc 7.1) • Planning Policy Compliance Statement (Doc 7.2) • Design and Access Statement (Doc 7.3) • Design Principles (Doc 7.4) • Charging Statement (Doc 7.5) • Monitoring Strategy (Doc 7.6) • Traffic Impacts Mitigation Strategy (Doc 7.7) • Outline Business Case (Doc 7.8) • Economic Assessment Report (Doc 7.8.1) • Regeneration and Development Impact Assessment (Doc 7.8.2) • Social Impacts Appraisal (Doc 7.8.3) • Distributional Impacts Appraisal (Doc 7.8.4) • Traffic Forecasting Report (Doc 7.9) • Charging Policy (Doc 7.11) • Mitigation Routemap (Doc 7.12)
(r) if requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans.	<p>Yes</p> <p>Three complete paper copies of the application and two additional sets of plans were submitted on 3 May 2016.</p>
3.4 Are the plans, drawings or sections submitted A0 size or	<p>Yes</p>

<p>smaller, drawn to an identified scale (not smaller than 1:2,500 on land) and, in the case of plans, show the direction of north¹⁵?</p>	<p>The plans and drawings have all been submitted in A1 and A3 size and show the direction of north, and all plans (with the exception of key plans, including those showing the location and key for the operational boundaries plan) are at a scale between 1:100 and 1:2500.</p>
<p>3.5 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets¹⁶?</p>	<p>Yes</p> <p>The following key plans have been provided:</p> <ul style="list-style-type: none"> • Land Plans Key Plan (Doc 2.3) • Works Plans Key Plan (Doc 2.5) • Rights of Way and Access Plans Key Plan (Doc 2.6) • Tunnels Location and Operational Boundaries Plans Key Plan (Doc 2.1) • General Arrangement Plans Key Plan (Doc 2.2) • Engineering Section Drawings and Plans Key Plan (Doc 2.8) • Traffic Regulation Measures Plans Key Plan (Doc 2.9)
<p>3.6 Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard lead to the application being prepared to a standard that the Secretary of State considers satisfactory?</p>	<p>Paragraph 2.1.6 of the Consultation Report refers to the Applicant's compliance checklist included at Appendix A1 of the Consultation Report (Doc 5.2, Appendix A). The Applicant summarises this document as follows:</p> <p><i>"a Compliance Checklist to demonstrate that TfL has complied with the requirements for consultation under the terms of the Act, and applicable regulations, guidance and advice notes."</i></p> <p>While there is no specific reference to DCLG 'Planning Act 2008: Application form guidance' within the Consultation Report or the compliance checklist, on reviewing the application the Applicant has identified and has had regard to relevant guidance, and the overall standard of the application is satisfactory.</p>

¹⁵ Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹⁶ Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Summary - s55(3)(f) and s55(5A)	<p>In relation to the submitted Book of Reference some minor inconsistencies are evident upon inspection and will need to be clarified in due course.</p> <p>The Applicant has complied with the requirements in respect of the form and content of the application documents, as well as had regard to applicable DCLG guidance. The application is of a satisfactory standard.</p>
Fees to accompany an application	
Was the fee paid at the same time that the application was made ¹⁷ ?	<p>Yes</p> <p>The fee of £4,500 was paid by BACS and cleared on 27 April 2016, before the submission of the application on 3 May 2016.</p>

Case Leader

Emré Williams

Emré Williams

Signed

Date:

31 May 2016

Acceptance Inspector

Peter Robottom

Peter Robottom

Signed

Date:

31 May 2016

¹⁷ The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee payable is presently £4,500 and must be paid at the same time that the application is made